

# EXHIBIT A

**Briefs, Responses and Replies**

1:04-cv-01350-GMS Lewis v. Foster

PaperDocuments

139

**U.S. District Court**

**District of Delaware**

**Notice of Electronic Filing**

The following transaction was entered by Rizzo, Louis on 1/18/2007 at 4:32 PM EST and filed on 1/18/2007

**Case Name:** Lewis v. Foster

**Case Number:** 1:04-cv-1350

**Filer:** Sylvia Foster

**Document Number:** 139

**Docket Text:**

RESPONSE to Motion re [122] MOTION to Compel *Interrogatory Answers #1* filed by Sylvia Foster. (Rizzo, Louis)

**1:04-cv-1350 Notice has been electronically mailed to:**

Louis J. Rizzo , Jr lrizzo@rrkdllaw.com

Gregory E. Smith greg.smith@state.de.us

**1:04-cv-1350 Notice has been delivered by other means to:**

Jimmie Lewis  
SBI#506622  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=1/18/2007] [FileNumber=330005-0]  
[521af441a038736679521421ecaf6ecf89143c1b70db5c0ff42c0cf1b876fef38fa4  
3c532c7c111556011bc0flc568162dab9db1e701a88cf26f8e573b2a7a8a]]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

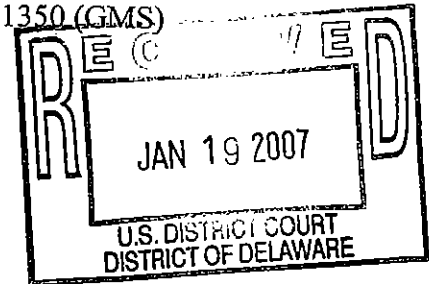
Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)



**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S  
MOTION FOR INTERROGATORY ANSWERS #1**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Interrogatory Answers #1, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed the present Motion on January 8, 2007 requesting further clarification and information regarding various documents submitted by Defendant, Dr. Sylvia Foster, pursuant to a previous discovery request.
2. An Order signed by the Honorable Judge Sleet of September 27, 2006 specifically reads, "Defendants shall respond to interrogatories and request for admission *properly filed* by Plaintiff within the discovery period . . ." [emphasis added]. The current discovery requests are not "properly filed" as indicated in the Honorable Judge Sleet's Order. Therefore, Defendant contends a response to such requests is not warranted pursuant to the Court's Order of September 27, 2006.
3. Defendant, Dr. Sylvia Foster, filed a Motion for Protective Order on October 27, 2006 in response to the requests by Plaintiff for discovery materials. The arguments presented in

said Motion for Protective Order are herein incorporated in this response in opposition to the Plaintiff's present Motion for Interrogatory Answers #1.

3. At this time, the Court has not ruled on the outstanding Motion for Protective Order. Until a ruling is made on said Motion, Defendant, Dr. Sylvia Foster's position is to refrain from responding to the inordinate amount of discovery requests which have been submitted by Plaintiff in this case. In the event the Court rules responses are necessary from Defendant, Dr. Sylvia Foster, then efforts will be undertaken to abide by the ruling of the Court.

Therefore, in light of the arguments submitted above and responses thereto, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny the Motion for Interrogatory Answers #1 filed by Plaintiff.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No. 2565  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: 01-18-2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,	)	
	)	
Plaintiff,	)	C.A. No.: 04-1350 (GMS)
	)	
v.	)	
	)	
SYLVIA FOSTER, LANCE SAPERS,	)	
DAVE MOFFITT, R. GRAY,	)	
MR. JOHNSON, JOHN JOE,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify on this 18th day of January, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Interrogatory Answers #1 has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis  
SBI#506622  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

Gregory E. Smith  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
Carvel State Office Building  
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.  
Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No.  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: 01-18-2007

# EXHIBIT B

140

**U.S. District Court**

**District of Delaware**

**Notice of Electronic Filing**

The following transaction was entered by Rizzo, Louis on 1/18/2007 at 4:35 PM EST and filed on 1/18/2007

**Case Name:** Lewis v. Foster

**Case Number:** 1:04-cv-1350

**Filer:** Sylvia Foster

**Document Number:** 140

**Docket Text:**

RESPONSE to Motion re [125] MOTION to Compel *Interrogatory Answers* #2 filed by Sylvia Foster. (Rizzo, Louis)

**1:04-cv-1350 Notice has been electronically mailed to:**

Louis J. Rizzo , Jr lrizzo@rrkdllaw.com

Gregory E. Smith greg.smith@state.de.us

**1:04-cv-1350 Notice has been delivered by other means to:**

Jimmie Lewis  
SBI#506622  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=1/18/2007] [FileNumber=330020-0]  
[27079ed45d3feb5ee8309e451b6f1c08c87ed42051d415345238eda69fb413018fd2  
5b70d3630b77dd46ea8a91dcb2c72700232ba5e9258499d617ca2f0aeb8d]]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

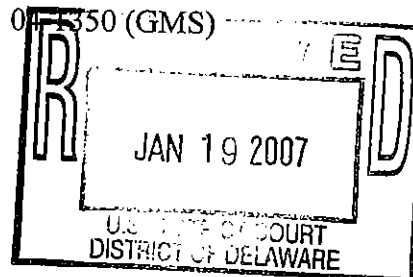
Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 01-1350 (GMS)



**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S  
MOTION FOR INTERROGATORY ANSWERS #2**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Interrogatory Answers #2, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed the present Motion on January 8, 2007 requesting further clarification and information regarding various documents submitted by Defendant, Dr. Sylvia Foster, pursuant to a previous discovery request. This is the second of three (3) such motions filed by Plaintiff on the same day.
2. An Order signed by the Honorable Judge Sleet of September 27, 2006 specifically reads, "Defendants shall respond to interrogatories and request for admission *properly filed* by Plaintiff within the discovery period . . ." [emphasis added]. The current discovery requests are not "properly filed" as indicated in the Honorable Judge Sleet's Order. Therefore, Defendant contends a response to such requests is not warranted pursuant to the Court's Order of September 27, 2006.
3. Defendant, Dr. Sylvia Foster, filed a Motion for Protective Order on October 27,



2006 in response to the requests by Plaintiff for discovery materials. The arguments presented in said Motion for Protective Order are herein incorporated in this response in opposition to the Plaintiff's present Motion for Interrogatory Answers #2.

3. At this time, the Court has not ruled on the outstanding Motion for Protective Order. Until a ruling is made on said Motion, Defendant, Dr. Sylvia Foster's position is to refrain from responding to the inordinate amount of discovery requests which have been submitted by Plaintiff in this case. In the event the Court rules responses are necessary from Defendant, Dr. Sylvia Foster, then efforts will be undertaken to abide by the ruling of the Court.

Therefore, in light of the arguments submitted above and responses thereto, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny the Motion for Interrogatory Answers #1 filed by Plaintiff.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire

Delaware State Bar I.D. No. 2565

Ronald W. Hartnett, Jr., Esquire

Delaware State Bar I.D. No. 4497

1001 Jefferson Plaza, Suite 202

Wilmington, DE 19801

(302) 652-3611

Attorney for Defendant Dr. Sylvia Foster

Dated: 01-18-2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify on this 18th day of January, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Interrogatory Answers #2 has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis  
SBI#506622  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

Gregory E. Smith  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
Carvel State Office Building  
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No.  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: 01-18-2007

# EXHIBIT C

**Other Documents**

1:04-cv-01350-GMS Lewis v. Foster

PaperDocuments

144

**U.S. District Court**

**District of Delaware**

**Notice of Electronic Filing**

The following transaction was entered by Rizzo, Louis on 1/23/2007 at 1:41 PM EST and filed on 1/23/2007

**Case Name:** Lewis v. Foster

**Case Number:** 1:04-cv-1350

**Filer:** Sylvia Foster

**Document Number:** 144

**Docket Text:**

OBJECTIONS by Sylvia Foster to [134] Interrogatories Propounded . (Rizzo, Louis)

**1:04-cv-1350 Notice has been electronically mailed to:**

Louis J. Rizzo , Jr lrizzo@rrkdllaw.com

Gregory E. Smith greg.smith@state.de.us

**1:04-cv-1350 Notice has been delivered by other means to:**

Jimmie Lewis  
SBI#506622  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=1/23/2007] [FileNumber=331929-0]  
[a7e63651636a6d2fe136acf210d116e1473f053fb1d23a8d3df4b709254247893fff  
f95c5c507b27861eee0b384cf075372d8e5fad304b11b9079d0c3aa0e301]]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

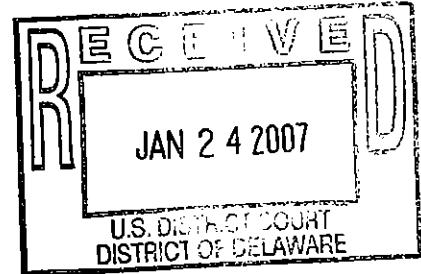
Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)



**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S  
MOTION FOR INTERROGATORY ANSWERS #3**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Interrogatory Answers #3, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed the present Motion on January 8, 2007 requesting further clarification and information regarding various documents submitted by Defendant, Dr. Sylvia Foster, pursuant to a previous discovery request. This is the third of three (3) such motions filed by Plaintiff on the same day.
2. An Order signed by the Honorable Judge Sleet of September 27, 2006 specifically reads, "Defendants shall respond to interrogatories and request for admission *properly filed* by Plaintiff within the discovery period . . ." [emphasis added]. The current discovery requests are not "properly filed" as indicated in the Honorable Judge Sleet's Order. Therefore, Defendant contends a response to such requests is not warranted pursuant to the Court's Order of September 27, 2006.
3. Defendant, Dr. Sylvia Foster, filed a Motion for Protective Order on October 27,

2006 in response to the requests by Plaintiff for discovery materials. The arguments presented in said Motion for Protective Order are herein incorporated in this response in opposition to the Plaintiff's present Motion for Interrogatory Answers #3.

3. At this time, the Court has not ruled on the outstanding Motion for Protective Order. Until a ruling is made on said Motion, Defendant, Dr. Sylvia Foster's position is to refrain from responding to the inordinate amount of discovery requests which have been submitted by Plaintiff in this case. In the event the Court rules responses are necessary from Defendant, Dr. Sylvia Foster, then efforts will be undertaken to abide by the ruling of the Court.

Therefore, in light of the arguments submitted above and responses thereto, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny the Motion for Interrogatory Answers #1 filed by Plaintiff.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire

Delaware State Bar I.D. No. 2565

Ronald W. Hartnett, Jr., Esquire

Delaware State Bar I.D. No. 4497

1001 Jefferson Plaza, Suite 202

Wilmington, DE 19801

(302) 652-3611

Attorney for Defendant Dr. Sylvia Foster

Dated: 01-23-2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify on this 23rd day of January, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Interrogatory Answers #3 has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis  
SBI#506622  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

Gregory E. Smith  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
Carvel State Office Building  
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No.  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611

Attorney for Defendant Dr. Sylvia Foster

Dated: 01-23-2007

# EXHIBIT D



145

**Other Documents**

1:04-cv-01350-GMS Lewis v. Foster

Paper Documents

**U.S. District Court**

**District of Delaware**

**Notice of Electronic Filing**

The following transaction was entered by Rizzo, Louis on 1/23/2007 at 2:30 PM EST and filed on 1/23/2007

**Case Name:** Lewis v. Foster

**Case Number:** 1:04-cv-1350

**Filer:** Sylvia Foster

**Document Number:** 145

**Docket Text:**

OBJECTIONS by Sylvia Foster to *Interrogatory Answers #4.* (Rizzo, Louis)

**1:04-cv-1350 Notice has been electronically mailed to:**

Louis J. Rizzo , Jr lrizzo@rrkdllaw.com

Gregory E. Smith greg.smith@state.de.us

**1:04-cv-1350 Notice has been delivered by other means to:**

Jimmie Lewis  
SBI#506622  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=1/23/2007] [FileNumber=331965-0]  
[d9ff0d46a0f2677c4e550a2ec4865105631c06b6e187cad383a7070fc9dec194f6ab  
94baceea552d007193418fd5a145ebd9a9bc2fbd9dbd18abddd65514c21d]]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

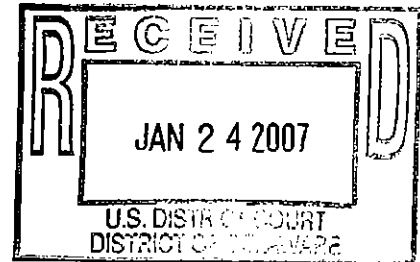
Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)



**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S  
MOTION FOR INTERROGATORY ANSWERS #4**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Interrogatory Answers #4, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed the present Motion on January 17, 2007 requesting further clarification and information regarding various documents submitted by Defendant, Dr. Sylvia Foster, pursuant to a previous discovery request. This is the fourth such motion filed by Plaintiff.

2. An Order signed by the Honorable Judge Sleet of September 27, 2006 specifically reads, "Defendants shall respond to interrogatories and request for admission *properly filed* by Plaintiff within the discovery period . . ." [emphasis added]. The current discovery requests are not "properly filed" as indicated in the Honorable Judge Sleet's Order. Therefore, Defendant contends a response to such requests is not warranted pursuant to the Court's Order of September 27, 2006.

3. Defendant, Dr. Sylvia Foster, filed a Motion for Protective Order on October 27,

2006 in response to the requests by Plaintiff for discovery materials. The arguments presented in said Motion for Protective Order are herein incorporated in this response in opposition to the Plaintiff's present Motion for Interrogatory Answers #4.

3. At this time, the Court has not ruled on the outstanding Motion for Protective Order. Until a ruling is made on said Motion, Defendant, Dr. Sylvia Foster's position is to refrain from responding to the inordinate amount of discovery requests which have been submitted by Plaintiff in this case. In the event the Court rules responses are necessary from Defendant, Dr. Sylvia Foster, then efforts will be undertaken to abide by the ruling of the Court.

Therefore, in light of the arguments submitted above and responses thereto, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny the Motion for Interrogatory Answers #4 filed by Plaintiff.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire

Delaware State Bar I.D. No. 2565

Ronald W. Hartnett, Jr., Esquire

Delaware State Bar I.D. No. 4497

1001 Jefferson Plaza, Suite 202

Wilmington, DE 19801

(302) 652-3611

Attorney for Defendant Dr. Sylvia Foster

Dated: 01-23-2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify on this 23rd day of January, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Interrogatory Answers #4 has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis  
SBI#506622  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

Gregory E. Smith  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
Carvel State Office Building  
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No.  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: 01-23-2007

# EXHIBIT E

**Other Documents**

1:04-cv-01350-GMS Lewis v. Foster

PaperDocuments

146

**U.S. District Court**

**District of Delaware**

**Notice of Electronic Filing**

The following transaction was entered by Rizzo, Louis on 1/23/2007 at 2:32 PM EST and filed on 1/23/2007

**Case Name:** Lewis v. Foster

**Case Number:** 1:04-cv-1350

**Filer:** Sylvia Foster

**Document Number:** 146

**Docket Text:**

OBJECTIONS by Sylvia Foster to [136] Interrogatories Propounded. (Rizzo, Louis)

**1:04-cv-1350 Notice has been electronically mailed to:**

Louis J. Rizzo , Jr lrizzo@rrkdllaw.com

Gregory E. Smith greg.smith@state.de.us

**1:04-cv-1350 Notice has been delivered by other means to:**

Jimmie Lewis  
SBI#506622  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=1/23/2007] [FileNumber=331976-0]  
[59dc033bb19439ddd21663e770018e410163a05022de280a9a7e2cdaa25f91ade80  
751810c35cbd5d601b5b91ac268eca59cc835753860e70c75ae9da9eb842]]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

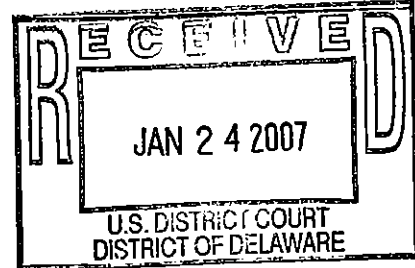
Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,  
DAVE MOFFITT, R. GRAY,  
MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)



**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S  
MOTION FOR INTERROGATORY ANSWERS #5**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Interrogatory Answers #5, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed the present Motion on January 17, 2007 requesting further clarification and information regarding various documents submitted by Defendant, Dr. Sylvia Foster, pursuant to a previous discovery request. This is the fifth such motion filed by Plaintiff.

2. An Order signed by the Honorable Judge Sleet of September 27, 2006 specifically reads, "Defendants shall respond to interrogatories and request for admission *properly filed* by Plaintiff within the discovery period . . ." [emphasis added]. The current discovery requests are not "properly filed" as indicated in the Honorable Judge Sleet's Order. Therefore, Defendant contends a response to such requests is not warranted pursuant to the Court's Order of September 27, 2006.

3. Defendant, Dr. Sylvia Foster, filed a Motion for Protective Order on October 27,

2006 in response to the requests by Plaintiff for discovery materials. The arguments presented in said Motion for Protective Order are herein incorporated in this response in opposition to the Plaintiff's present Motion for Interrogatory Answers #5.

3. At this time, the Court has not ruled on the outstanding Motion for Protective Order. Until a ruling is made on said Motion, Defendant, Dr. Sylvia Foster's position is to refrain from responding to the inordinate amount of discovery requests which have been submitted by Plaintiff in this case. In the event the Court rules responses are necessary from Defendant, Dr. Sylvia Foster, then efforts will be undertaken to abide by the ruling of the Court.

Therefore, in light of the arguments submitted above and responses thereto, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny the Motion for Interrogatory Answers #5 filed by Plaintiff.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No. 2565  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: 01-23-2007



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,	)	
	)	
Plaintiff,	)	C.A. No.: 04-1350 (GMS)
	)	
v.	)	
	)	
SYLVIA FOSTER, LANCE SAPERS,	)	
DAVE MOFFITT, R. GRAY,	)	
MR. JOHNSON, JOHN JOE,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify on this 23rd day of January, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Interrogatory Answers #5 has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis  
SBI#506622  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

Gregory E. Smith  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
Carvel State Office Building  
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.  
Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No.  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
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